

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

ROOSEVELT SMITH

PLAINTIFF

v.

Case No. 4:12-cv-00219-KGB-JTK

RICK EMERSON, et al.

DEFENDANTS

ORDER

The Court has received Proposed Findings and Recommendations from United States Magistrate Judge Jerome T. Kearney, which were entered of record on March 19, 2013 (Dkt. No. 46). The Court notes that the Clerk docketed on March 20, 2013, plaintiff Roosevelt Smith's request for court-appointed counsel and a second request for an extension of time to respond to defendant's motion for summary judgment (Dkt. No. 47). By prior Order, Mr. Smith was directed to respond to defendant's motion for summary judgment within 15 days from the entry of the Court's order on February 28, 2013 (Dkt. No. 45). Mr. Smith filed no document addressing the merits of defendant's motion for summary judgment or Judge Kearney's Proposed Findings and Recommendations.

On April 11, 2013, the Court directed the Clerk to re-send the Proposed Findings and Recommendations to Mr. Smith at his current address of record and extended his deadline to April 25, 2013, to file objections to the Proposed Findings and Recommendations (Dkt. No. 49). The Court notified Mr. Smith that, after that date, the Court would rule on the Proposed Findings and Recommendations (Dkt. No. 45). Mr. Smith did not file an objection to the Proposed Findings and Recommendations, and the time to do so has passed. Instead, Mr. Smith filed on May 16, 2013, a notice of a change of address and requested that the Court give him "a day in

court” (Dkt. No. 50). He did not address the merits of defendant’s motion for summary judgment or Judge Kearney’s Proposed Findings and Recommendations.

Mr. Smith has been awarded several opportunities to respond to the motion for summary judgment and then to object to the Proposed Findings and Recommendations. He has failed to do so. The Court is now prepared to rule on the Proposed Findings and Recommendations.

After carefully considering the documents filed and making a *de novo* review of the record, the Court concludes that the Proposed Findings and Recommendations should be, and hereby are, approved and adopted in their entirety as this Court’s findings in all respects.

Accordingly,

IT IS, THEREFORE, ORDERED that defendant’s motion for summary judgment (Dkt. No. 40) is granted, and plaintiff’s claims against defendant are dismissed with prejudice.

IT IS FURTHER ORDERED that all other pending motions are denied as moot.

An appropriate Judgment shall accompany this Order.

SO ORDERED this 29th day of May, 2013.


KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE